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MONTANA LEGISLATIVE HISTORY

Chapter 20 Session L 1989
Bill House 14 Senate

History and final status sheet X
Introduced bill X
Fiscal note n/a
Third reading bill X
Final version of bill X

House Committee on Edu. & Cul. Res.
Hearing date(s)* 1/4
Executive action (vote) date(s)* 1/4
Comm. Report 1/5
Floor 2nd reading & vote Consent Cal
Floor 3rd reading & vote 1/11

Senate Committee on Edu. & Cul. Res.
Hearing date(s)* 1/18 1/23 1/27
Executive action (vote) date(s)* 1/27
Comm. Report 1/30
Floor 2nd reading & vote 2/1
Floor 3rd reading & vote 2/3

Conference or Free Conference Comm. ___ Yes X No
Hearing date(s)* _____
Executive action (vote) date(s)* _____

* Includes minutes, exhibits, roll call, visitors register, and vote sheet if available.

Did this bill originate in an interim committee? ___ Yes X No
Committee _____ Report _____

NOTES:

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001

Compiled by: DM
Date: 12/22/16

2/28 COMMITTEE REPORT--BILL CONCURRED
3/03 2ND READING CONCURRED 48 0
3/06 3RD READING CONCURRED 50 0

RETURNED TO HOUSE
3/09 SIGNED BY SPEAKER
3/09 SIGNED BY PRESIDENT
3/09 TRANSMITTED TO GOVERNOR
3/13 SIGNED BY GOVERNOR
CHAPTER NUMBER 68 EFFECTIVE DATE: 3/13/89

HB 14 INTRODUCED BY COBB
TRANSFER FIRE SERVICES TRAINING SCHOOL TO REGENTS

1/02 INTRODUCED
1/02 REFERRED TO EDUCATION & CULTURAL RESOURCES
1/04 HEARING
1/05 COMMITTEE REPORT--BILL PASSED
AND PLACE ON CONSENT CALENDAR
1/11 3RD READING PASSED 94 0

TRANSMITTED TO SENATE
1/13 REFERRED TO EDUCATION & CULTURAL RESOURCES
1/18 HEARING
1/30 COMMITTEE REPORT--BILL CONCURRED
2/01 2ND READING CONCURRED 49 0
2/03 3RD READING CONCURRED 45 5

RETURNED TO HOUSE
2/11 SIGNED BY SPEAKER
2/13 SIGNED BY PRESIDENT
2/13 TRANSMITTED TO GOVERNOR
2/16 SIGNED BY GOVERNOR
CHAPTER NUMBER 20 EFFECTIVE DATE: 7/01/89

HB 15 INTRODUCED BY KADAS, ET AL.
EXEMPT MOTORBOATS NOT OVER 5 HP FROM FEE IN LIEU OF TAX

12/27 FISCAL NOTE REQUESTED
1/02 INTRODUCED
1/02 REFERRED TO TAXATION
1/04 HEARING
1/06 FISCAL NOTE RECEIVED
1/06 FISCAL NOTE PRINTED
1/12 TABLED IN COMMITTEE

HB 16 INTRODUCED BY DRISCOLL
PERMIT PUBLIC ACCOMMODATIONS TO PROVIDE DISCOUNTS AND PROMOTIONS BASED ON AGE
BY REQUEST OF DEPARTMENT OF LABOR & INDUSTRY

1/02 INTRODUCED
1/02 REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT
1/06 HEARING
1/07 COMMITTEE REPORT--BILL PASSED AS AMENDED
1/10 2ND READING PASSED AS AMENDED 96 1
1/12 3RD READING PASSED 95 1

TRANSMITTED TO SENATE

HOUSE BILL NO. 14

INTRODUCED BY COBB

IN THE HOUSE

DECEMBER 30, 1988	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
JANUARY 2, 1989	FIRST READING.
JANUARY 5, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 6, 1989	POSTED ON CONSENT CALENDAR.
	ENGROSSING REPORT.
JANUARY 11, 1989	CONSENT CALENDAR, QUESTIONS AND ANSWERS.
	THIRD READING, PASSED. AYES, 94; NOES, 0.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 13, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
JANUARY 30, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
FEBRUARY 1, 1989	SECOND READING, CONCURRED IN.
FEBRUARY 3, 1989	THIRD READING, CONCURRED IN. AYES, 45; NOES, 5.
	RETURNED TO HOUSE.

IN THE HOUSE

FEBRUARY 4, 1989 RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

HOUSE BILL NO. 14

INTRODUCED BY COBB

A BILL FOR AN ACT ENTITLED: "AN ACT TO TRANSFER THE FIRE SERVICES TRAINING SCHOOL FROM THE BOARD OF PUBLIC EDUCATION TO THE BOARD OF REGENTS; AMENDING SECTIONS 2-15-1518, 2-15-1519, 20-31-101, 20-31-102, 20-31-104, 20-31-202, 20-31-301, 20-31-401, AND 20-31-402, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-15-1518, MCA, is amended to read:

"2-15-1518. Director of fire services training school. (1) The board of ~~public education~~ regents shall appoint the director of the fire services training school.

(2) The director may be removed for cause.

(3) The director must have the following qualifications:

(a) a bachelor's degree in a field of study related to fire protection; or

(b) 5 years' experience in an organized training program as an instructor and 7 years' experience as a firefighter or fire combat officer."

Section 2. Section 2-15-1519, MCA, is amended to read:

"2-15-1519. Fire services training advisory council. (1) The board of ~~public education~~ regents shall appoint a fire services training advisory council to work with the director of the fire services training school. The membership of the council shall include the following:

(a) a fire chief;

(b) a volunteer firefighter;

(c) a paid firefighter;

(d) a fire service instructor;

(e) a person involved in fire prevention;

(f) a representative of the insurance industry; and

(g) a professional educator.

(2) The board shall solicit and consider the recommendations of appropriate organizations and associations of fire service personnel in making appointments under subsection (1) of this section.

(3) Members appointed shall serve for a 4-year term and may be removed for cause. If a vacancy occurs, a member shall be appointed to fill the unexpired term. A member may be reappointed.

(4) The state fire marshal, a fire control officer designated by the commissioner of state lands, and the director of the fire services training school are ex officio members of the council."

Section 3. Section 20-31-101, MCA, is amended to read:

"20-31-101. Definitions. In this chapter, unless the

context requires otherwise, the following definitions apply:

(1) "Board" means the board of ~~public---education~~ regents provided for in Article X, section 9, subsection ~~(3)~~ (2), of the 1972 Montana constitution and ~~2-15-1507~~ 2-15-1505.

(2) "Council" means the fire services training advisory council provided for in 2-15-1519.

(3) "Director" means the director of the fire services training school provided for in 2-15-1518."

Section 4. Section 20-31-102, MCA, is amended to read:

"**20-31-102. Fire services training school -- creation -- supervision by board of ~~public-education~~ regents.** There is a fire services training school. The fire services training school is allocated to the board of ~~public education~~ regents for purposes of planning and coordination. The budget request for the fire services training school shall be submitted through the board of ~~public--education~~ regents. The general supervision of the school is vested in the board of ~~public-education~~ regents."

Section 5. Section 20-31-104, MCA, is amended to read:

"**20-31-104. Coordination with other agencies.** The fire services training school shall coordinate its programs and cooperate with state and local fire services to the maximum possible extent in accordance with the policy of the board of ~~public-education~~ regents."

Section 6. Section 20-31-202, MCA, is amended to read:

"**20-31-202. Duties of director.** The director shall appoint a staff and execute policies and programs established by the board of ~~public-education~~ regents for the fire services training school. The director is responsible for the direction of staff and operation of the school."

Section 7. Section 20-31-301, MCA, is amended to read:

"**20-31-301. Organization -- procedural rules -- compensation of members.** (1) The members of the fire services advisory council shall elect a chairman, a vice-chairman, and such other officers considered advisable by the council. The terms of the officers shall be established by the council.

(2) The council shall adopt rules governing its procedures subject to approval of the board of ~~public education~~ regents.

(3) Members of the council shall receive compensation under 2-18-501 through 2-18-503."

Section 8. Section 20-31-401, MCA, is amended to read:

"**20-31-401. Acceptance of gifts and grants -- contractual agreements.** The board of ~~public--education~~ regents may accept gifts, donations, and grants of property and services on behalf of the fire services training school. The board may enter into contractual agreements necessary to facilitate achievement of the purposes of the school."

Section 9. Section 20-31-402, MCA, is amended to read:

"**20-31-402. Cost recovery fee.** The board of ~~public education~~ regents may establish a cost recovery fee for training of commercially employed firefighters, and such fees shall be deposited to the general fund."

Section 10. Effective date. [This act] is effective July 1, 1989.

-End-

607

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By Chairman Ted Schye, on January 4, 1989, at 3:00 p.m.

ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council Researcher

Announcements/Discussion: None

HEARING ON HB 14

Presentation and Opening Statement by Sponsor:

John Cobb, District 42, stated the purpose of the bill was to change the sponsorship and guidance of the Fire Services Training School from the Board of Public Education to the Board of Regents. Rep. Cobb said the major responsibility of the Board of Public Education is to the K-12 system, not to the Training School and that, administratively, the Board cannot offer a great deal of support due to its limited staff. He also stated the Board of Regents and the University units have access to greater administrative and clerical staffs and the Regents and the Training School have common objectives in that they both teach post-secondary students.

Testifying Proponents and Who They Represent:

Ted Hazelbaker, Member - Board of Public Education and Chairman, Fire Services Training School Sub-Committee
Butch Weedon, Director, Fire Services Training School
Bruce Suenram, Chief Executive Officer, Missoula Rural Fire District and member, Fire Services Training School Board
Carroll Krause, Commissioner of Higher Education
Lyle Nagel, Secretary/Treasurer, Montana State Firefighters Association
Ross Fitzgerald, Chairman, Power Volunteer Fire Department, Power, MT
Eric Feaver, Montana Education Association, MEA

Proponent Testimony:

Ted Hazelbaker expressed support for HB 14 on behalf of the Board of Public Education. Mr. Hazelbaker said this bill was the culmination of four years of discussion to find a home for the Fire Services Training School when it became apparent the school could be much better served by another sponsor with more adequate staff and time to offer. The Board felt that given its full agenda of general K-12 educational issues along with the School for the Deaf and Blind, it was not possible to provide the necessary services and resources that the Fire Services Training School needed and deserved. It was agreed by the Board that the Regents that an administrator of Mr. Weedon's ability, could work out an arrangement to best serve the 7,200 volunteers and 400 paid members providing fire services in Montana. Mr. Hazelbaker also added the general consensus that the Regent's staff and Mr. Weedon would also be capable of developing plans to better serve the 445 non-staff field instructors and to more adequately oversee the 2,000 item library. Mr. Hazelbaker closed his comments by stressing that the Fire Services Training School is an important agency deserving the sponsorship the Board of Regents could offer.

Bruce Weedon, (EXHIBIT 1.)

Bruce Suenram spoke in support of HB 14 upon Advisory Board recommendation of sponsorship of the Fire Services Training School by the Board of Regents because it was an adult educational system.

Carrol Krause expressed willingness to accept the administration of the Fire Services Training School. He also said it was very compatible with the goals of higher education and expressed desire to continue the fine efforts the school made in the past.

Lyle Nagel urged support for HB 14 in light of all previously mentioned reasons.

Ross Fitzgerald stated that after working with the Board on this issue over the past four years, he agreed with the recommendation to move sponsorship to the Regents. He also reported that various state volunteers and chiefs in many Montana fire districts supported sponsorship by the Board of Regents.

Eric Feaver stood in support of HB 14.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: None

Closing by Sponsor: Rep. Cobb thanked the Education Committee and requested support in passage of HB 14.

DISPOSITION OF HB 14

Motion: Rep. Dan Harrington made the motion that HB 14 DO PASS and be placed on the consent calendar if passed by unanimous committee vote.

Discussion: Rep. Fritz Daily stated even though there was a great deal of support for HB 14 he had reservations about putting more responsibilities on the Board of Regents.

Rep. Phillips asked for explanation of the consent calendar. It was explained this was a method to shorten debate on the floor and that the bill would skip second reading and go directly to third.

Amendments, Discussion, and Votes: None

Recommendation and Vote: Motion Rep. Harrington that HB 14 DO PASS CARRIED upon unanimous voice vote.

ADJOURNMENT

Adjournment At: 3:45 p.m.

REP. TED SCHYE, Chairman

TS/dlm

0304.MIN

DAILY ROLL CALL

EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE January 4, 1989

NAME	PRESENT	ABSENT	EXCUSED
Rep. Ted Schye, Chairman	X		
Rep. Fritz Daily, Vice-Chairman	X		
Rep. Vicki Cocchiarella	X		
Rep. Paula Darko	X		
Rep. Ervin Davis	X		
Rep. Ralph Eudaily	X		
Rep. Floyd Gervais	X		
Rep. Bill Glaser	X		
Rep. Dan Harrington	X		
Rep. John Johnson	X		
Rep. Tom Kilpatrick	X		
Rep. Richard Nelson	X		
Rep. John Phillips	X		
Rep. Richard Simpkins	X		
Rep. Wilbur Spring, Jr.	X		
Rep. Barry "Spook" Stang	X		
Rep. Fred Thomas	X		
Rep. Norm Wallin	X		
Rep. Diana Wyatt	X		
Rep. Tom Zook	X		

Form CS-30A
Rev. 1985

FACT SHEET - THE MONTANA FIRE TRAINING PROGRAM

EXHIBIT # 1
DATE 1-4-89
HB 14 Cobb

Legislative mandate: (Section 20-31-103 MCA)

The purpose of the fire services training school is to:
(1) provide fire service personnel with professional training;
(2) identify new methods of fire prevention and suppression and disseminate information about them;
(3) provide a resource center for use by local fire service;
(4) provide testing and certification for personnel and apparatus; and
(5) coordinate fire services training in the state.

Mission: The Fire Services Training School (FSTS) Staff and Advisory Council have developed the following mission statement -

"To educate and train the fire service of Montana to meet or exceed all existing or future standards adopted by the Fire Service Training Advisory Council."

Philosophy:
To serve the educational leadership needs of a diverse adult population of fire service personnel in every community in Montana.

Audience Served:
Adults with diverse needs in every community in Montana, 95% of which are volunteers.

Delivery Of Services:
Support local and regional fire training organizations.
Transfer resources using a variety of media through FSTS resource center.
Train local fire service trainers.
Fire service information and research transfer to the local level.
Foster and enhance fire service leaders at the local level.

Locations:
FSTS programs are 100% outreach.
FSTS services available to organizations and individuals in every community.
FSTS cooperates with and supports local and regional training organizations.

Cost: $199,392 per year (General Fund)

Staff: 1 Director
1 Administrative Assistant
2 Logistics Officers
1 Operations Officer

Impact:
FSTS operates one of only 16 nationally accredited professional certification programs for fire service personnel.

FSTS serves as the state and local link to national clearinghouses for education resource and research information transfer.

FSTS has had contact with 4793 fire service personnel in 456 organizations during the 88 fiscal year.

A PROPOSAL TO PLACE THE FIRE SERVICES TRAINING SCHOOL UNDER THE BOARD OF REGENTS OF HIGHER EDUCATION

Prepared by:
Seldon S. Weedon, Director
Fire Services Training School

BACKGROUND

THE PROBLEM

The Fire Services Training School (FSTS) is an agency of State government whose mission is taking technical advances in fire protection to local fire services. This mission is accomplished through three programs including; 1) the direct and indirect delivery, through outreach, of training and education courses, 2) professional certification of personnel, and 3) a resource library loan program. The FSTS has a Staff of 5 FTE, 445 non-staff field instructors, an annual budget of $212,000, a 2,000 item resource library, and several mobile training labs. Offices are located in the Great Falls Vocational-Technical Center.

A fire training program has existed in State government in various forms for 30 years. The FSTS has been responsible to the Board of Public Education (BOPE) since Legislative action removed it from the Great Falls Vo-Tech/Office of Public Instruction sponsorship in 1977. The FSTS programs provide service to only postsecondary, adult audiences, whereas, the BOPE is responsible for primary and secondary education.

Like the Regents, the BOPE is a lay Board. Unlike the Regents, the BOPE has a professional staff of only one. Staff limitations have prevented the BOPE from providing administrative support services to the FSTS. The responsibility for meeting all the requisites to function as a state agency has fallen on the FSTS staff. This results in a disproportionate percentage of time being spent on administrative matters.

A performance audit conducted by the Office of the Legislative Auditor on the FSTS in 1985 reported that "With current training resources, these classes are only able to reach 15 - 20 percent of the State's fire fighters annually." The same Report pointed out that more than 21% of Montana's fire departments had received no formal training from any source in the previous two years. The situation has not significantly changed since the Report was published. One must question the adequacy of training provided Montana's emergency response personnel given the facts stated in this Report. What can be said of the quality of service provided taxpayers by local fire services, if the quantity of training is so lacking?

The Report went on to address administrative sponsorship of the FSTS. Its authors concluded that the BOPE was not a feasible sponsor for the School. Listed among feasible sponsors for the School were the University System, the Department of Vocational Education Services (OPI), the Department of State Lands, and the Department of Justice.

Various units of the University System as well as many of the State's fire fighters have demonstrated an interest in higher education. A certificate program or associates degree program has been advocated. The BOPE is generally uncomfortable with FSTS pursuing such goals because of potential conflict with the role of the Regents. The audience for such advanced

education in the fire service is relatively small but important. Such programs, if implemented should supplement current activities, not supplant them.

WHO ARE THOSE WITH AN INTEREST?

The fire service in Montana consists of some 7,600 members, only 400 of which are salaried. Members are organized in municipal fire departments, volunteer fire companies, fire districts, private fire brigades and a small number of other organizational forms. There is a great deal of diversity in the scope of operations between organizational units. The more sophisticated and proactive are involved in code enforcement, fire investigation, hazardous materials, emergency medical service, and public fire safety education. Others only respond to fires when summoned. The largest organization has over 100 employees, a multi-million dollar budget and apparatus and facilities worth several million dollars. The smallest may consist of a rancher with a grass fire outfit capable of dealing with only the smallest of wildfires. All of these individuals and organizations have an interest in quality training and are recipients of the services from the Fire Services Training School.

The Fire Services Training School has 445 field instructors who deliver the bulk of training to local fire organizations. These instructors rely on FSTS for new technology, administrative support, resources, and professional development. These instructors maintain their competencies through inservice training offered by FSTS.

The public has the greatest interest. With well trained, competent fire services, the public is more secure from the various threats which are dealt with daily by the fire service. A fire service which is 94% volunteer and trained to an acceptable level of competence is perhaps the most cost effective public service the taxpayer receives.

The Board of Public Education has an interest in expending all of their time and energies on issues which relate to elementary and secondary education. The movement of FSTS organizationally to another entity will assist the Board in meeting its constitutional responsibilities.

The Fire Service Training Advisory Council has an interest in seeing that the fire training program continues to move forward and remains highly responsive to fire service needs.

The Legislature has an interest in seeing that citizens receive the best value in public services for their tax dollar. A local fire chief recently told a Legislative Committee, "The Fire Services Training School is the glue that holds the fire service together." The FSTS serves as a catalyst which keeps local fire service organizations viable.

The staff of the Fire Services Training School has an interest in job security and a stable work environment. The staff would rather spend time on program delivery than administrative work.

GIVEN THE PROBLEM: WHY IS A MOVE TO THE REGENTS THE BEST OPTION?

The Fire Services Training School is a statewide outreach postsecondary education and training program. The Regents constitutionally are charged with responsibility for such programs. The FSTS Advisory Council has studied the options listed in the Legislative Auditor's Report cited earlier and concluded that if a change is to be made, the best option is the University System. The University System has the administrative support which is needed by FSTS to maximize program efficiency.

The University System has the academic expertise to take the FSTS program to new levels of effectiveness. The System has in place outreach programs for adult education which address local community needs. State level fire training programs with national reputations for effectiveness are, in every case, a part of a university.

Flathead Community College, Missoula Vo-Tech Center, Dawson Community College, the College of Great Falls, and Miles City Community College have all demonstrated an interest in providing Fire Science education in cooperation with FSTS to meet the needs of their local fire services. FSTS has in the past, been a cooperator in an Associate Degree program at the College of Great Falls. Miles City Community College is currently conducting courses in fire science with indirect assistance from FSTS. The University System has facilities in many locations where FSTS delivers current courses. FSTS would be in a better position to cooperate with all these institutions if it were a part of the University System.

WHAT OPTIONS EXIST FOR ORGANIZATIONAL STRUCTURE UNDER THE REGENTS?

There may be many options for incorporation under the Regents. Three which seem both obvious and practical are:

1. The Fire Services Training School would become a program of the Great Falls Vo-Tech Center.

2. The Fire Services Training School would become affiliated with the MSU Extension Service.

3. The Fire Services Training School would become an institute affiliated with Northern Montana College.

ADVANTAGES/DISADVANTAGES

Under each option, FSTS could remain housed in the Great Falls Vo-Tech Center. This would eliminate cost for relocating staff and operations. Under each option, a large share of administrative workload would be absorbed by the new sponsor, allowing FSTS to increase productivity. The cost for this transfer of administrative work is known to be approximately $4400 if the Extension Service is selected. It is not known in the other two options.

Under each option, access to resources (classroom, satellite dish, etc.) at the Vo-Tech could be maintained, however, there may be additional cost if the Extension Service or Northern is selected.

Under Northern or the Vo-Tech, FSTS could become a regional program or at least perceived in that context. The Extension Service is readily recognized as a statewide operation with a non-formalized educational program.

Funding for FSTS would be distinct under the Extension Service and Northern, but not under the Vo-Tech.

The Vo-Tech and Northern operate primarily in the traditional mode for the delivery of education. The Extension Service operates in the outreach mode and offers a variety of services which are not academic. FSTS operates in precisely the same mode.

The Extension Service and FSTS make extensive use of unsalaried and volunteer instructors.

Under each option, FSTS would gain access to staff specialists who could support the FSTS programs. Under Extension, these staff specialists could be used to inservice FSTS field instructors at their remote locations.

Extension supervises many offices in remote locations and is structured to do so effectively. Northern also operates a few off campus programs.

Under Extension, the potential exists to develop fire training facilities at decentralized sites throughout the State. Such facilities are badly needed by local fire services and could be developed at experiment station sites in cooperation with local or regional organizations.

The Extension Service has agents in each county which could be utilized to disseminate information for FSTS and provide a focal point for local fire service contact. Nothing similar exists with Northern or the Vo-Tech.

ISSUES

SPACE FOR OPERATION:

Leaving FSTS at the Vo-Tech Center will require that the space issue be resolved. This issue needs to be addressed by the Legislature. Ideally, funding should be restored to the FSTS budget so that FSTS could negotiate for space, and its budget reflect the true cost of operations. FSTS has received approval to submit to the Legislature a request for an additional proprietary assignment of $8400 to lease additional space for operations. Negotiations have been started with the City of Great Falls to lease a portion of their Fire Training Center.

LINE ITEM BUDGET:

FSTS should endeavor to maintain its current position as a line item budget appropriation. This will:

1. Specifically identify the level of program desired by the Legislature.
2. Prevent "appropriation" of resources by either the Vo-Tech, Northern or Extension Service.
3. Protect either Vo-Tech, Northern or Extension from having to use their appropriated monies to maintain FSTS services at a level beyond that which is funded by the Legislature.

SUMMARY

The Fire Services Training School should be organizationally relocated from the Board of Public Education to the Regents. The Extension Service, Great Falls Vo-Tech or Northern each has the ability to improve the operation of FSTS. At this time the Extension Service seems to offer the option because of similarity of operation and audience. A change of sponsorship could be accomplished without a change in geographic location. The space issue needs to be addressed by the Legislature.

VISITORS' REGISTER

EDUCATION AND CULTURAL RESOURCES COMMITTEE

BILL NO. HB 14 DATE January 4, 1989

SPONSOR COBB

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Lyle P. Nagel	Mt. St. Vol. Firefighters Assn Simms Mt.	✓	
Henry E. Lohr	Mont. St. Vol. Fire Fighters Ass.	X	
Butch Weeden	Fire Training	✓	
Bruce Sherman	Missoula Rural FD	✓	
Ted Hoffmaker	Board of Public Ed	✓	
Claudette Morton	Board of Public Ed	✓	
Antony Campeau	Intern Board of Pub Ed	✓	
~~Peggy Guthrie~~	~~Choteau, MT~~	~~undecided~~	
Ross H. FITZGERALD	Power VFC - Power, MT	X	
~~Joe Williams~~	~~OBPP~~		
Carroll Brown	Comm of H. ED.	X	
Eric Feaver	Helena MEA	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

CS-33

STANDING COMMITTEE REPORT

January 4, 1989

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 14 (first reading copy -- white) do pass ;and place on consent calendar.

Signed: _____
Ted Schye, Chairman

031640SC.HRT

MOTIONS

Representative Harper moved the rules be suspended to consider the Senate amendments to HB 65 on second and third readings this legislative day. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Harper moved the House resolve itself into a Committee of the Whole for the consideration of business on second reading. Motion carried. Representative Rehberg in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 65 - Representative Bardanouve moved Senate amendments to HB 65 be concurred in. Motion carried as follows:

Ayes: Aafedt, Addy, Bardanouve, Blotkamp, Boharski, Bradley, Brooke, D. Brown, J. Brown, Campbell, Clark, Cocchiarella, Cody, Cohen, Compton, Connelly, Daily, Darko, Davis, DeMars, Driscoll, Elliott, Ellison, Eudaily, Gervais, Giacometto, Gilbert, Gould, Grinde, Guthrie, Hannah, Hansen, Hanson, Harper, Harrington, Hayne, Hoffman, Iverson, Johnson, Kadas, Keller, Kilpatrick, Kimberley, Knapp, Koehnke, Lee, Marks, McCormick, McDonough, Mercer, Moore, L. Nelson, T. Nelson, Nisbet, O'Connell, O'Keefe, Patterson, Pavlovich, Peck, Quilici, Ramirez, Raney, Ream, Rehberg, Rice, Roth, Schye, Simon, Smith, Spaeth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swift, Swysgood, Thoft, Thomas, Wallin, Westlake, Whalen, Wyatt, Zook, Mr. Speaker.
Total 86

Noes: Bachini, Cobb, DeBruycker, Glaser, Good, Kasten, Phillips, Simpkins.
Total 8

Excused: Grady, Menahan, R. Nelson, Owens, Peterson, Russell.
Total 6

Absent or not voting: None.
Total 0

Representative Harper moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Rehberg moved the adoption of the committee report. Report adopted. (93-0)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 7 passed as follows:

Ayes: Aafedt, Addy, Bachini, Bardanouve, Blotkamp, Boharski, Bradley, Brooke, D. Brown, J. Brown, Campbell, Clark, Cobb, Cocchiarella, Cody, Cohen, Compton, Connelly, Daily, Darko, Davis, DeBruycker, DeMars, Driscoll, Elliott, Ellison, Eudaily, Gervais, Giacometto, Gilbert, Glaser, Good, Gould, Guthrie, Hansen, Hanson, Harper, Harrington, Hayne, Hoffman, Iverson, Johnson, Kadas, Kasten, Keller, Kilpatrick, Kimberley, Knapp, Koehnke, Lee, Marks, McCormick, McDonough, Mercer, Moore, L. Nelson, T. Nelson, Nisbet, O'Connell, O'Keefe, Patterson, Pavlovich, Peck,

Phillips, Quilici, Ramirez, Raney, Ream, Rehberg, Rice, Roth, Schye, Simon, Simpkins, Smith, Spaeth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swift, Wallin, Westlake, Whalen, Wyatt, Zook, Mr. Speaker.
Total 89

Noes: Grinde, Hannah, Swysgood, Thoft, Thomas.
Total 5

Excused: Grady, Menahan, R. Nelson, Owens, Peterson, Russell.
Total 6

Absent or not voting: None.
Total 0

HB 14 passed as follows:

Ayes: Aafedt, Addy, Bachini, Bardanouve, Blotkamp, Boharski, Bradley, Brooke, D. Brown, J. Brown, Campbell, Clark, Cobb, Cocchiarella, Cody, Cohen, Compton, Connelly, Daily, Darko, Davis, DeBruycker, DeMars, Driscoll, Elliott, Ellison, Eudaily, Gervais, Giacometto, Gilbert, Glaser, Good, Gould, Grinde, Guthrie, Hannah, Hansen, Hanson, Harper, Harrington, Hayne, Hoffman, Iverson, Johnson, Kadas, Kasten, Keller, Kilpatrick, Kimberley, Knapp, Koehnke, Lee, Marks, McCormick, McDonough, Mercer, Moore, L. Nelson, T. Nelson, Nisbet, O'Connell, O'Keefe, Patterson, Pavlovich, Peck, Phillips, Quilici, Ramirez, Raney, Ream, Rehberg, Rice, Roth, Schye, Simon, Simpkins, Smith, Spaeth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swift, Swysgood, Thoft, Thomas, Wallin, Westlake, Whalen, Wyatt, Zook, Mr. Speaker.
Total 94

Noes: None.
Total 0

Excused: Grady, Menahan, R. Nelson, Owens, Peterson, Russell.
Total 6

Absent or not voting: None.
Total 0

HB 65, Senate amendments, concurred in as follows:

Ayes: Aafedt, Addy, Bardanouve, Blotkamp, Boharski, Bradley, Brooke, D. Brown, J. Brown, Campbell, Clark, Cocchiarella, Cody, Cohen, Compton, Connelly, Daily, Darko, Davis, DeMars, Driscoll, Elliott, Ellison, Eudaily, Gervais, Giacometto, Gilbert, Gould, Grinde, Guthrie, Hannah, Hansen, Hanson, Harper, Harrington, Hayne, Hoffman, Iverson, Johnson, Kadas, Keller, Kilpatrick, Kimberley, Knapp, Koehnke, Lee, Marks, McCormick, McDonough, Mercer, Moore, L. Nelson, T. Nelson, Nisbet, O'Connell, O'Keefe, Patterson, Pavlovich, Peck, Quilici, Ramirez, Raney, Ream, Rehberg, Rice, Roth, Schye, Simon, Smith, Spaeth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swift, Swysgood, Thoft, Thomas, Wallin, Westlake, Whalen, Wyatt, Zook, Mr. Speaker.
Total 86

Noes: Bachini, Cobb, DeBruycker, Glaser, Good, Kasten, Phillips, Simpkins.
Total 8

Excused: Grady, Menahan, R. Nelson, Owens, Peterson, Russell.
Total 6

HOUSE BILL NO. 14

INTRODUCED BY COBB

A BILL FOR AN ACT ENTITLED: "AN ACT TO TRANSFER THE FIRE SERVICES TRAINING SCHOOL FROM THE BOARD OF PUBLIC EDUCATION TO THE BOARD OF REGENTS; AMENDING SECTIONS 2-15-1518, 2-15-1519, 20-31-101, 20-31-102, 20-31-104, 20-31-202, 20-31-301, 20-31-401, AND 20-31-402, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-15-1518, MCA, is amended to read:

"**2-15-1518. Director of fire services training school.** (1) The board of ~~public education~~ regents shall appoint the director of the fire services training school.

(2) The director may be removed for cause.

(3) The director must have the following qualifications:

(a) a bachelor's degree in a field of study related to fire protection; or

(b) 5 years' experience in an organized training program as an instructor and 7 years' experience as a firefighter or fire combat officer."

Section 2. Section 2-15-1519, MCA, is amended to read:

"**2-15-1519. Fire services training advisory council.** (1) The board of ~~public education~~ regents shall appoint a fire services training advisory council to work with the director of the fire services training school. The membership of the council shall include the following:

(a) a fire chief;

(b) a volunteer firefighter;

(c) a paid firefighter;

(d) a fire service instructor;

(e) a person involved in fire prevention;

(f) a representative of the insurance industry; and

(g) a professional educator.

(2) The board shall solicit and consider the recommendations of appropriate organizations and associations of fire service personnel in making appointments under subsection (1) of this section.

(3) Members appointed shall serve for a 4-year term and may be removed for cause. If a vacancy occurs, a member shall be appointed to fill the unexpired term. A member may be reappointed.

(4) The state fire marshal, a fire control officer designated by the commissioner of state lands, and the director of the fire services training school are ex officio members of the council."

Section 3. Section 20-31-101, MCA, is amended to read:

"**20-31-101. Definitions.** In this chapter, unless the

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HB14 THIRD READING CONSENT CALENDAR

context requires otherwise, the following definitions apply:

(1) "Board" means the board of ~~public--education~~ regents provided for in Article X, section 9, subsection ~~(3)~~ (2), of the 1972 Montana constitution and ~~2-15-1507~~ 2-15-1505.

(2) "Council" means the fire services training advisory council provided for in 2-15-1519.

(3) "Director" means the director of the fire services training school provided for in 2-15-1518."

Section 4. Section 20-31-102, MCA, is amended to read:

"**20-31-102. Fire services training school -- creation -- supervision by board of ~~public-education~~ regents.** There is a fire services training school. The fire services training school is allocated to the board of ~~public education~~ regents for purposes of planning and coordination. The budget request for the fire services training school shall be submitted through the board of ~~public--education~~ regents. The general supervision of the school is vested in the board of ~~public-education~~ regents."

Section 5. Section 20-31-104, MCA, is amended to read:

"**20-31-104. Coordination with other agencies.** The fire services training school shall coordinate its programs and cooperate with state and local fire services to the maximum possible extent in accordance with the policy of the board of ~~public-education~~ regents."

Section 6. Section 20-31-202, MCA, is amended to read:

"**20-31-202. Duties of director.** The director shall appoint a staff and execute policies and programs established by the board of ~~public-education~~ regents for the fire services training school. The director is responsible for the direction of staff and operation of the school."

Section 7. Section 20-31-301, MCA, is amended to read:

"**20-31-301. Organization -- procedural rules -- compensation of members.** (1) The members of the fire services advisory council shall elect a chairman, a vice-chairman, and such other officers considered advisable by the council. The terms of the officers shall be established by the council.

(2) The council shall adopt rules governing its procedures subject to approval of the board of ~~public education~~ regents.

(3) Members of the council shall receive compensation under 2-18-501 through 2-18-503."

Section 8. Section 20-31-401, MCA, is amended to read:

"**20-31-401. Acceptance of gifts and grants -- contractual agreements.** The board of ~~public--education~~ regents may accept gifts, donations, and grants of property and services on behalf of the fire services training school. The board may enter into contractual agreements necessary to facilitate achievement of the purposes of the school."

Section 9. Section 20-31-402, MCA, is amended to read:

"**20-31-402. Cost recovery fee.** The board of ~~public education~~ regents may establish a cost recovery fee for training of commercially employed firefighters, and such fees shall be deposited to the general fund."

Section 10. Effective date. [This act] is effective July 1, 1989.

-End-

023

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By Senator H.W. Hammond, Chairman, on January 18, 1989, at 1:00 pm in Room 402 in the State Capitol

ROLL CALL

Members Present: Senators; H.W. Hammond, Dennis Nathe, Chet Blaylock, Bob Brown, R.J. "Dick" Pinsoneault, William Farrell, Pat Regan, John Anderson Jr., and Joe Mazurek

Members Excused: None

Members Absent: None

Staff Present: Dave Cogley and Julie Harmala

HEARING ON HB 14

Presentation and Opening Statement by Sponsor:
REPRESENTATIVE JOHN COBB, District #42, stated that this bill's intent is to change the sponsorship and guidance of the Fire Service School from the Board of Public Education to the Board of Regents. The Board of Public Education now is the administrator of the school, providing the planning, the coordination and the general supervision of the Fire School. The Board has not been able to do this. In 1984 the Board of Public Education expressed concern that it did not have adequate resources to handle the administration of the school and that the Board and the school had different responsibilities and concerns. The purpose of the school which is located in Great Falls, Montana is to provide support and training for the state's fire services and to provide public education programs and promote fire safety prevention. The purpose of the Board of Public Education was K-12 education and the board is suppose to submit the budget and to provide planning, coordination and general supervision to the school. The board has been unable to do this. This is not a criticism of the Board as Representative Cobb pointed out, it is just that they do not have the staff to do it.

It was recommended that the school find a new sponsor. The board has spent the last couple of years looking for a sponsor ranging from the Department of Commerce, state lands, OPI, the Fire Marshall, and The Board of Regents.

The Board of Regents has approved this transfer and the school has approved this transfer. The Board of Regents can offer more support which enables the school to spend more time with training and education. They do not want to have to do their own budget planning and clerical work.

Left undecided for the Board of Regents is how the school will be administered. It could be done either by the Vo-Tech School or Northern for this extension service. The Fire School and the people still active have no problem in letting the Board of Regents decide who should take care of this extension service.

Representative Cobb went on to say that he felt that this bill would handle this administrative problem as well as provide more efficiencies for the school.

List of Testifying Proponents and What Group they Represent:

CLAUDETTE MORTON, THE BOARD OF EDUCATION
BUTCH WEEDEN, DIRECTOR OF THE FIRE SERVICE TRAINING SCHOOL
LYLE NAGEL, STATE VOLUNTEER FIREFIGHTERS ASSOCIATION
ERIC FEAVER, THE MONTANA EDUCATION ASSOCIATION

List of Testifying Opponents and What Group They Represent:

NONE

Testimony:

CLAUDETTE MORTON, who was asked by the Chairman of the Fire Service Training Committee, Mr. Nicholson to speak on his behalf, stated that the Board of Public Education has been happy with the program itself. The reason though that they are asking for it to be moved is because the Board has limited resources and can not provide the back-up that is needed. An agreement has been reached by the Board of Public Education and the Board of Regents in terms of long range planning, in fact it is their hope, that things above the high school level could be the Board of Regents activities and things high school and below are Board of Public

Education activities.

She went on to say that the Board has looked at all the options and do believe this is a continuing education program and in some cases a vocational program. She stated that they support the Board of Regents administering this school.

BUTCH WEEDEN, added that in his 7 years in the position he has seen the depth and gravity of issues that this Board of Public Education has had to deal with and he feels that the school's operation is not germane to the other things on their agenda. He supports the Board of Regents administering the Fire Service School. The Board of Public Education has more serious problems to deal with than whether fire fighter certification standards should be changed. Also in other states the ones that have the greatest success and programs with national reputations are all under their Board of Regents or their university systems.

He said that because they were able to successfully recruit a professional educator to the staff along with their connection with the university system and other individuals, they have been able to dramatically increase the effectiveness of the program without increasing the cost of the operation.

Mr. Weeden stated that the Fire Service Advisory Council have also endorsed the concept of moving to the university system along with the MT Fire District Association, The MT Fireman's Association, the Society of Fire Service Instructors, and the MT State Fire Chiefs.

LYLE NAGEL feels that this would be an improvement and he urged the committee to support HB 14.

ERIC FEAVER, representing the MEA stated that they rise in support of HB 14.

Questions From Committee Members: Senator Pinsoneault asked if their was a contract that had to be dealt with for the staff. He went on to say that The Board of Regents "track record" had not been setting any national records and they keep taking on responsibilities. He used as an example, the Vo-Tech Centers. They took them and now they are suggesting to impose a state wide 2 mil levy to run the Vo-Tech. He wondered if this program came funded. Ms. Morton replied that the fire

service school does come funded in that they have proprietary money and there is money in the general fund. She went on to say that this has not been the problem for the Board of Public Education, the issue has been the problem with the Board not being able to offer any accounting or personnel that the Regents could. Because of the Boards of Regents larger staff, they could provide these functions with a liaison with the rest of state government.

Senator Hammond along with Ms. Morton assured the committee that the Fire Service employees are state employees and they are all on state phone banks. These things are in place already and they are a state agency.

Senator Mazurek asked what the purpose of the Fire Service Training School was and also he asked if volunteers got a certificate from this school before they could function. Mr. Weeden responded by stating that there were no requirements in the state of Montana for firefighters competency. All the volunteers do participate in a program to obtain certificates, but there is no mandate that they do so. It is basically an out reach program and they constantly use the expertise in the field rather than having to have this expertise on staff.

Closing by Sponsor: Representative Cobb closed by saying that the Fire Service is like a "little lost dog," needing a place to go. They are doing a good job and it isn't supposed to cost any more money. Last session they did clean up the language on what their responsibilities are and they are doing what they are suppose to be doing.

DISPOSITION OF HB 14

Recommendation and Vote: No executive action was taken.

HEARING ON SB 127

Presentation and Opening Statement by Sponsor: SENATOR DENNIS NATHE, District #10, stated that SB 127 is basically attempting to say, use one procedure or the other. Right now both procedures can be used simultaneously with extra costs to the school districts to defend itself simultaneously. This is

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By Senator Dennis Nathe, Vice Chairman, on January 23, 1989, at 1:00 pm in Room 402

ROLL CALL

Members Present: Senators; H.W. Hammond, Dennis Nathe, Chet Blaylock, Bob Brown, R.J. "Dick" Pinsoneault, William Farrell, Pat Regan, John Anderson Jr., and Joe Mazurek

Members Excused: None

Members Absent: None

Staff Present: Dave Cogley, Staff Researcher and Julie Harmala, Committee Secretary

Announcements/Discussion:

None

HEARING ON HB 75

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE, JOHN MERCER, House District #50, by request of the legislative finance committee, brought HB 75 before this Senate committee to explain that when HB 39 was passed concerning the Vo-Tech Centers, there was a provision put in the law stating that the expenditure of fees were not subject to the normal budget limitation laws. This was necessary during the transition period but now that the transition period is over, HB 75 is needed to make Vo-Tech fees subject to the same budget limitation laws as are university fees. This action requires this budget amendment. Representative Mercer went on to explain that the "gist" of the bill is on lines 21-24.

List of Testifying Proponents and What Group they Represent:

JACK NOBLE, DEPUTY COMMISSIONER FOR FISCAL AFFAIRS OF THE BOARD OF REGENTS

Recommendation and Vote: The question was called for, Senator Blaylock responded.

Senator Mazurek moved that SB 66 Do Pass as amended and the motion was carried unanimously.

DISPOSITION OF SB 46

Discussion: Dave Cogley presented the committee with the amendments recommended for SB 46. [Exhibit #2]

Senator Mazurek asked if it could be optional and a point of negotiation, if the surviving district wanted to waive the tuition debt obligation provided in the bill. Mr. Cogley pointed out that waiver is exactly what the amendment to SB 46 provided, and that the waiver is consistent with another statute dealing with assumption of bonded indebtedness. The provision on bonded indebtedness provides for the assumption of the bonded indebtedness by the consolidated district or annexing district and that is exactly what this would be patterned after, which is the assumption of the tuition liability.

Amendments and Votes: Senator Regan moved that the amendments suggested by Senator Hammond be accepted.

The motion was carried unanimously by the committee.

DISPOSITION OF HB 14

Discussion: Senator Regan pointed out that we have under the Department of Justice the Law Academy and a Fire Marshall and that is who should be training firemen. She went on to say that the Fire Service Training School seems to be "a step child being kicked around," and she feels that it belongs with the Fire Marshall because he is the professional who is the head of the entire system.

Senator Mazurek stated that by putting them out there in the hands of the Board of Regents, there is no longer any control and it is no longer a line item budget matter.

Senator Pinsoneault pointed out that if it goes to the Board of Regents, pretty soon we (the legislature) can go home and the Board of Regents can just run everything. He added that he is skeptical as to the Board of Regents motives in this situation.

Claudette Morton said that the audit committee originally asked that the Board of Public Education find a new home for the Fire Service School. The Board spent two years working with the Board of Regents on this transfer and it was one of the few issues the Board of Public Ed. and The Board of Regents has agreed upon. She added that the auditors suggested this because in many other states the Fire Service School is a part of higher education.

Recommendation and Vote: Senator Regan moved that the committee pass consideration for the day on HB 14 and she will talk to the audit committee.

The question was called for by Senator Blaylock. All were in favor and the motion was carried.

DISPOSITION OF SB 127

Discussion: Senator Mazurek pointed out that even the proponents decided that this bill should only apply when you have final and binding arbitration. He stated that he was certain that in the Human Rights Act, the forum to resolve a dispute can not be bargained for, one way or the other. It simply must be that the employee has to go to one and finish and then once completed, the they can go to the other one. But employees are not restrict to only one way.

Senator Brown added that he thought every school board knew that everyone always has their day in court, so once an employee has exhausted the administrative process, then they can get into court. He asked if this was not a fundamental procedure.

Dave Cogley stated that this is a fundamental right, unless there is a contract providing for final and binding arbitration that has been negotiated. Senator Brown wondered if an employee

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By Chairman, Senator H.W. Hammond, on January 27, 1989, at 1:00 pm in Room 402 of the State Capitol

ROLL CALL

Members Present: Senators H.W. Hammond, Dennis Nathe, Chet Blaylock, Bob Brown, R.J. "Dick" Pinsoneault, William Farrell, John Anderson Jr., and Joe Mazurek

Members Excused: Senator Pat Regan

Members Absent: None

Staff Present: Dave Cogley, Staff Researcher and Julie Harmala, Committee Secretary

HEARING ON SB 162

Presentation and Opening Statement by Sponsor: SENATOR BOB WILLIAMS, Senate District #15, began by pointing out to the committee that the only difference between this bill and the one he presented last session is the number of the bill. He went on to say that this bill seems to be needed more today than two years ago.

To remind the committee Senator Williams stated that Montana requires a minimum of 180 Pupil Instruction days, however there is no maximum of the number of PI days that the state will fund. From his 1987 information, the Senator went on to say that 23 states require fewer than 180 days, Ohio is the only state that requires more than 180 days.

Using information that has come from the educational field, such as the MEA, OPI, MSBA, and the MSAA he went on to say that Montana does require 180 days but there are a number of districts that require more. He said that in 1986 Great Falls chose to use 185 PI days plus their Pupil Instruction Related days. If Great Falls was in North Dakota, they would lose 17 days of

conclusion of the temporary assignment must have the opportunity to return to the classroom.

Mr. Cogley assured him that we are dealing only with a tenured teacher and tenure is not lost when going into an administrative position. The teacher's status is not being affected.

Amendments and Votes: Senator Brown moved that amendments 3 and 4 be moved, Senator Mazurek called for the question. All were in favor of amendment 3 and 4.

Senator Brown moved that amendment 5 be passed, Senator Pinsoneault called for the question. All were in favor of amendment 5.

Senator Mazurek moved to pass amendments 1,2,6,7, and 8 which would remove Section 3, Senator Pinsoneault called for the question. Senator Hammond called for a roll call vote. The motion failed 5 to 4.

Senator Brown moved to strike lines 11 through 13 in their entirety. The motion was carried unanimously.

Recommendation and Vote: Senator Nathe moved that SB 136 be passed as amended, he called for the question. Senator Regan and Senator Blaylock voted against the motion the remainder voted in favor of the motion.

SB 136 was a do pass as amended.

DISPOSITION OF HB 14

Discussion: Senator Hammond commented that HB 14 is a reasonable request because some provision must be made as long as the Vo-Tech Centers in Great Falls are dealing with higher education, this is the place for them with the Board of Regents.

Recommendation and Vote: Senator Farrell motioned that HB 14 do pass. All were in favor except Senator Mazurek, who voted nay.

DISPOSITION OF HB 75

Discussion: Senator Hammond reminded the committee that HB 75 dealt with the handling of Vo-Tech fees. This bill

is what the Vo-Tech Centers want.

Amendments and Votes: Senator Mazurek moved that the amendment changing the "immediate" date to the "effective" date be July 1, 1989.

Exhibit #5 - A list of amendments to HB 75.

Senator Mazurek moved that the bill be concurred in as amended. The motion was carried unanimously.

Senator Hammond assigned Senator Regan to carry HB 75 to the house. He also assigned Senator Jacobson to carry HB 14 to the house.

ADJOURNMENT

Adjournment At: 2:40 pm

H. W. Hammond
Senator H. W. Hammond, Chairman

HH/jh

Senmin.127

SENATE STANDING COMMITTEE REPORT

January 30, 1989

MR. PRESIDENT:

We, your committee on Education and Cultural Resources, having had under consideration HB 14 (third reading copy -- blue), respectfully report that HB 14 be concurred in.

Sponsor: Cobb (Jacobsen)

BE CONCURRED IN

Signed: H. W. Hammond, Chairman

H.C. 1/30/89 2:40 p.m.

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SCRHB014.130

Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Pinsoneault, Rapp-Svrcek, Severson, Stimatz, Story, Thayer, Tveit, Weeding, Yellowtail, Mr. President.
Total 38

Noes: Blaylock, Eck, Jacobson, Mazurek, Norman, Pipinich, Rasmussen, Regan, Van Valkenburg, Vaughn, Walker, Williams.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Beck in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 36 - Senator McLane moved that HB 36 be concurred in. Motion carried unanimously, 49-0.

HB 129 - Senator Lynch moved that HB 129 be concurred in. Motion carried unanimously, 49-0.

HB 130 - Senator Noble moved that HB 130 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Pipinich.
Total 1

Absent or not voting: Aklestad, Boylan, Keating, Lynch, Pinsoneault, Rasmussen, Tveit, Van Valkenburg.
Total 8

SB 127 - Senator Nathe moved that SB 127 do pass. Motion carried unanimously, 49-0.

SB 136 - Senator Nathe moved that SB 136 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Severson, Story, Thayer, Tveit, Van Valkenburg, Weeding, Williams, Mr. President.

Total 36

Noes: Bengtson, Blaylock, Crippen, Eck, Jacobson, Jergeson, Lynch, Manning, Regan, Stimatz, Vaughn, Walker, Yellowtail.
Total 13

Excused: Pipinich.
Total 1

Absent or not voting: None.
Total 0

SB 200 - Senator Manning moved that SB 200 do pass. Motion carried unanimously, 49-0.

SB 213 - Senator Hofman moved that SB 213 do pass. Motion carried unanimously, 49-0.

SB 214 - Senator Jacobson moved that consideration of SB 214 be passed because Senator Pipinich was absent and was carrying the bill. Motion carried.

SB 227 - Senator Himsl moved that SB 227 do pass. Motion carried unanimously, 49-0.

HB 7 - Senator Nathe moved that HB 7 be concurred in. Senator Gage requested that HB 7 be moved to the bottom of the second reading board for the purpose of amendment. Without objection, request granted. Senator Nathe withdrew his motion.

HB 14 - Senator Jacobson moved that HB 14 be concurred in. Motion carried unanimously, 49-0.

HB 75 - Senator Regan moved that HB 75 be concurred in. Motion carried unanimously, 49-0.

HB 115 - Senator Mazurek moved that HB 115 be concurred in. Motion carried unanimously, 49-0.

HB 7 - Senator Nathe moved that consideration of HB 7 be passed. Motion carried.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Beck moved the adoption of the committee report. Report adopted.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 302, introduced by Mazurek, Vincent, Peck, Cohen, Crippen, Whalen, Spaeth, Cocchiarella, Swysgood, Ream, Quilici, Pavlovich, Gervais, Eudaily, Russell, Addy, Kimberley, Stickney, Kilpatrick, Daily, Strizich, Bradley, Harper, Mercer, Thomas, Kasten, Patterson, Lee, Simon, Vaughn, Eck, Phillips, Zook, Clark, Yellowtail, Hoffman, Kadas, Swift, Pinsoneault, Hansen, Darko, Brooke, T. Nelson, McDonough, Knapp, Rehberg, Driscoll, Stang, Jacobson, McLane, Nathe, Pipinich, Bengtson, Weeding, Wallin, Norman, Beck, Rapp-Svrcek, Hager, B. Brown, Himsl, Severson, Bishop, Halligan, Gage, Farrell, Hammond, referred to Committee on Taxation

SB 303, introduced by Thayer, Good, Wyatt, Nisbet, Strizich, Meyer, Simpkins, Phillips, O'Connell, Aafedt, Halligan, Noble, Walker, Manning, Hammond, referred to Committee on State Administration

Sen. 3rd Reading

Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Aklestad, Beck, Bishop, Boylan, Hammond, Story.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 213 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 227 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 14 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

3rd Reading cont

Total 45

Noes: Beck, Jenkins, Noble, Regan, Story.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 75 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 115 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Hager in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 145 - Senator Eck moved that SB 145 do pass. Motion carried unanimously, 50-0.

HOUSE BILL NO. 14

INTRODUCED BY COBB

A BILL FOR AN ACT ENTITLED: "AN ACT TO TRANSFER THE FIRE SERVICES TRAINING SCHOOL FROM THE BOARD OF PUBLIC EDUCATION TO THE BOARD OF REGENTS; AMENDING SECTIONS 2-15-1518, 2-15-1519, 20-31-101, 20-31-102, 20-31-104, 20-31-202, 20-31-301, 20-31-401, AND 20-31-402, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-15-1518, MCA, is amended to read:

"**2-15-1518. Director of fire services training school.** (1) The board of ~~public-education~~ regents shall appoint the director of the fire services training school.

(2) The director may be removed for cause.

(3) The director must have the following qualifications:

(a) a bachelor's degree in a field of study related to fire protection; or

(b) 5 years' experience in an organized training program as an instructor and 7 years' experience as a firefighter or fire combat officer."

Section 2. Section 2-15-1519, MCA, is amended to read:

"**2-15-1519. Fire services training advisory council.** (1) The board of ~~public-education~~ regents shall appoint a fire services training advisory council to work with the director of the fire services training school. The membership of the council shall include the following:

(a) a fire chief;

(b) a volunteer firefighter;

(c) a paid firefighter;

(d) a fire service instructor;

(e) a person involved in fire prevention;

(f) a representative of the insurance industry; and

(g) a professional educator.

(2) The board shall solicit and consider the recommendations of appropriate organizations and associations of fire service personnel in making appointments under subsection (1) of this section.

(3) Members appointed shall serve for a 4-year term and may be removed for cause. If a vacancy occurs, a member shall be appointed to fill the unexpired term. A member may be reappointed.

(4) The state fire marshal, a fire control officer designated by the commissioner of state lands, and the director of the fire services training school are ex officio members of the council."

Section 3. Section 20-31-101, MCA, is amended to read:

"**20-31-101. Definitions.** In this chapter, unless the

context requires otherwise, the following definitions apply:

(1) "Board" means the board of ~~public---education~~ regents provided for in Article X, section 9, subsection ~~(3)~~ (2), of the 1972 Montana constitution and ~~2-15-1507~~ 2-15-1505.

(2) "Council" means the fire services training advisory council provided for in 2-15-1519.

(3) "Director" means the director of the fire services training school provided for in 2-15-1518."

Section 4. Section 20-31-102, MCA, is amended to read:

"20-31-102. Fire services training school -- creation -- supervision by board of public-education regents. There is a fire services training school. The fire services training school is allocated to the board of ~~public education~~ regents for purposes of planning and coordination. The budget request for the fire services training school shall be submitted through the board of ~~public--education~~ regents. The general supervision of the school is vested in the board of ~~public-education~~ regents."

Section 5. Section 20-31-104, MCA, is amended to read:

"20-31-104. Coordination with other agencies. The fire services training school shall coordinate its programs and cooperate with state and local fire services to the maximum possible extent in accordance with the policy of the board of ~~public-education~~ regents."

Section 6. Section 20-31-202, MCA, is amended to read:

"20-31-202. Duties of director. The director shall appoint a staff and execute policies and programs established by the board of ~~public-education~~ regents for the fire services training school. The director is responsible for the direction of staff and operation of the school."

Section 7. Section 20-31-301, MCA, is amended to read:

"20-31-301. Organization -- procedural rules -- compensation of members. (1) The members of the fire services advisory council shall elect a chairman, a vice-chairman, and such other officers considered advisable by the council. The terms of the officers shall be established by the council.

(2) The council shall adopt rules governing its procedures subject to approval of the board of ~~public education~~ regents.

(3) Members of the council shall receive compensation under 2-18-501 through 2-18-503."

Section 8. Section 20-31-401, MCA, is amended to read:

"20-31-401. Acceptance of gifts and grants -- contractual agreements. The board of ~~public--education~~ regents may accept gifts, donations, and grants of property and services on behalf of the fire services training school. The board may enter into contractual agreements necessary to facilitate achievement of the purposes of the school."

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Section 9. Section 20-31-402, MCA, is amended to read:

"20-31-402. Cost recovery fee. The board of ~~public education~~ regents may establish a cost recovery fee for training of commercially employed firefighters, and such fees shall be deposited to the general fund."

NEW SECTION. **Section 10.** Effective date. [This act] is effective July 1, 1989.

-End-